

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MONTEREY BAY MILITARY HOUSING, LLC, et al.,

Plaintiffs,

-v-

AMBAC ASSURANCE CORPORATION, et al.,

Defendants.

CIVIL ACTION NO.: 19 Civ. 9193 (PGG) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

The Court held a discovery conference today, February 14, 2022 (the “Conference”) concerning the discovery status letters submitted by the parties. (ECF Nos. 415 (“Plaintiffs’ Letter”); 416–17 (“Defendants’ Letters”)).

Pursuant to the Court’s rulings at the Conference, the Court Orders as follows:

- 1) **Documents concerning other MHPI Projects from Jefferies Defendants**: Plaintiffs’ application that the Jefferies Defendants produce additional documents concerning non-Plaintiff MHPI projects, raised in Plaintiffs’ Letter at I.A., is DENIED. (See ECF No. 415 at 1–2).
- 2) **Documents collected from Defendant Ray’s Laptop**: Plaintiffs’ application that the Court set a deadline for the Jefferies Defendants to identify the documents collected and produced from Defendant Ray’s laptop (ECF No. 415 at 2) is DENIED, except that by **February 22, 2022**, the Jefferies Defendants shall provide to Plaintiffs a copy of the affidavit(s) concerning the collection of documents from Defendant Ray’s laptop that Jefferies’ counsel represents was produced to Plaintiffs’ prior counsel.

- 3) **Documents concerning other MHPI Projects from Defendant Ray:** Plaintiffs' application that Defendant Ray "produce documents related to any Non-Plaintiff MHPI Projects other than those select projects that Plaintiffs elected from the Jefferies defendants' list pursuant to the Court's Order" (ECF No. 415 at 2) is DENIED.
- 4) **Plaintiffs' additional applications concerning Defendant Ray:** In Defendant Ray's supplemental letter filed shortly before the Conference, he raised Plaintiffs' failure to meet and confer adequately, as a result of which, several of the issues raised in Plaintiffs' Letter were purportedly no longer ripe for the Court's adjudication. (ECF No. 417). Accordingly, the Court holds in abeyance a ruling on these applications, and directs that Plaintiffs and Defendant Ray meet and confer concerning all additional discovery disputes concerning Defendant Ray.
- 5) **Unclean Hands documents:**
- a. The Court's January 6 Order was clear that "[b]y **Friday, January 21, 2022:** (i) **Plaintiffs shall produce summary documents pertaining to investigations undertaken by Congress, the Department of Justice, or other regulators** (the "Investigations"); and (ii) Plaintiffs shall disclose to Defendants a list of any document productions during those Investigations. . ." (ECF No. 401 at 3) (emphasis added). Plaintiffs have not complied with the Court's January 6 Order. Accordingly, by **February 22, 2022**, Plaintiffs shall supplement their disclosure to comply with the January 6 Order.
 - b. Defendants shall meet and confer with Plaintiffs regarding document productions in connection with the DOJ, Congressional, and regulatory

investigations at this stage, and the Court holds in abeyance further discussion of productions made in connection with “civil lawsuits against the Plaintiffs or Developers that accused them of failure to maintain the properties.” (ECF No. 416 at 2).

- 6) **Bruce Robinson Documents**: By **February 22, 2022**, Plaintiffs shall provide to Defendants information concerning when Mr. Robinson received a litigation hold notice.
- 7) **Depositions**: Anticipating the July 2022 deadline for the completion of fact discovery (ECF No. 366 at 2), the parties should commence scheduling depositions, serving non-party deposition subpoenas, and conferring regarding Fed. R. Civ. P. 30(b)(6) deposition topics.
- 8) The Court will schedule a further conference following receipt of a response by Clark as contemplated by ECF No. 413.

Dated: New York, New York
February 14, 2022

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge